



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

November 30, 2015

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Ms. Cindy K. Dohner
Regional Director
Southeast Region
U.S. Fish and Wildlife Service
P.O. Box 49567
Atlanta, GA 30345

Dear Ms. Dohner,

In accordance with our responsibilities under Section 309 of the Clean Air Act and the National Environmental Policy Act, the Environmental Protection Agency (EPA) has reviewed the Federal and State natural resource trustee agencies' draft Programmatic Damage Assessment and Restoration Plan and Draft Programmatic Environmental Impact Statement (PDARP/PEIS) for the Deepwater Horizon oil spill.

As Federal and State natural resource trustees (Trustees), the U.S. Department of Interior (DOI), the National Oceanic and Atmospheric Administration (NOAA), the EPA, the U.S. Department of Agriculture (USDA), Alabama, Florida, Mississippi, Louisiana, and Texas prepared this draft PDARP/PEIS to describe the process for subsequent restoration planning to select specific projects to restore natural resources, ecological services, and recreational use services injured or lost as a result of the Deepwater Horizon oil spill. We appreciate the Trustees' commitment to ensuring that subsequent restoration plans are consistent with this PDARP and integrated with a NEPA analysis tiered from this PEIS to ensure project-specific impacts and mitigation are considered.

The draft PDARP/PEIS analyzed three restoration alternatives, in addition to the no action alternative, including: 1) the Preferred Alternative which provides an integrated restoration portfolio to maximize potential synergies among restoration types and approaches, 2) a resource-specific restoration alternative which focuses on maximizing the benefits to individual resources and human uses based on well-defined relationships between injured resources and outcomes of restoration actions, and 3) an alternative that defers development of a comprehensive restoration plan until greater scientific understanding of the injury determination is achieved.

Based on our review of the draft PDARP/PEIS, we offer the following comments:

EPA fully supports the comprehensive, integrated ecosystem restoration approach identified as the Preferred Alternative in the draft PDARP/PEIS. This approach would include a substantive focus on northern Gulf of Mexico coastal and nearshore habitat restoration. Several of the techniques proposed for implementation under this alternative, including barrier island restoration, river diversion and marsh creation/enhancement using dredged material, are

consistent with the EPA's longstanding coastal restoration priorities in Louisiana. Pursuant to the Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA), federal and state partners have had considerable success planning, designing and implementing these and other similar techniques to restore Louisiana coastal wetland habitat.

Many of the proposed restoration approaches identified in the draft PDARP/PEIS may entail a discharge of dredge or fill material into waters of the U.S. As the planning and design for restoration projects moves forward, EPA is committed to working with implementation agencies, the U.S. Army Corps of Engineers, and other federal and state regulatory partners to help ensure an efficient and effective review process under Section 404 of the Clean Water Act.

EPA appreciates the draft PDARP/PEIS's discussion of environmental justice considerations in its future restoration planning and the commitment to ensure that impacts to environmental justice communities will be analyzed and appropriately considered in future projects tiered from this PDARP/PEIS. We recommend that the Trustees' consider using EJSCREEN, EPA's environmental justice screening and mapping tool that utilizes standard and nationally-consistent data to highlight places that may have higher environmental burdens and vulnerable populations, when considering potential project-specific impacts to minority and low-income populations.

The draft PDARP/PEIS includes a detailed discussion on impacts of the restoration approaches on GHG emissions, the potential changes to the environment that may result from climate change impacts and the importance of considering climate adaptation measures based on how future climate scenarios may impact the southeastern United States and the restoration alternatives. In addition, the Preferred Alternative includes a specific focus on achieving large-scale benefits to coastal habitats that are expected to contribute to the overall health and resiliency of northern Gulf of Mexico coastal environment and resources. We support the Trustees' determination to conduct an appropriate GHG and climate change analysis for subsequent project-specific restoration actions and recommend that the Trustees use the Council on Environmental Quality's December 2014 revised draft guidance for Federal agencies' consideration of GHG emissions and climate change impacts in NEPA to help outline the framework for its project-specific analysis of these issues.

In summary, EPA believes the actions proposed under the PDARP/PEIS will address injuries to natural resources and resource services resulting from the Deepwater Horizon oil spill. Therefore, we have rated the proposed action a "LO" (Lack of Objections). A copy of EPA's rating criteria is enclosed. If we can provide further explanation of our comments, I can be reached at 202-564-5400, or you can contact Jessica Trice of my staff at 202-564-6646.

Sincerely,

A handwritten signature in blue ink that reads "Susan E. Bromm". The signature is fluid and cursive, with a long horizontal stroke at the end.

Susan E. Bromm
Director
Office of Federal Activities